

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 21, 2007

DIVISION TWO

B195611 LeBlanc (Not for Publication)
v.
White Memorial Medical Center

The order is affirmed. LeBlanc shall recover her costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

B194297 Mohiuddin (Not for Publication)
v.
City of Gardena

The judgment is affirmed. The City is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

November 21, 2007 (Continued)

DIVISION TWO (continued)

B193820 People (Not for Publication)

V.
Kenrick B.

The juvenile court’s order sustaining the People’s petition is affirmed. The order is modified so that probation condition No. 15 states: “Do not associate with anyone your parents or probation officer inform you that they disapprove of and want you to stay away from,” and probation condition No. 21 states: “Do not use or possess narcotics, controlled substances, poisons or related paraphernalia; stay away from places you know that users congregate.”

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B194773 Smith (Not for Publication)

v.
Superior Court, Los Angeles County
(Mrs. Goochs' Natural Foods Market, Inc., et al., r.p.i.)

The petition for writ of mandate is granted. Let a peremptory writ of mandate issue directing respondent superior court to vacate its order sustaining the demurrers to the first amended complaint without leave to amend and to enter a new order granting Smith leave to file a second amended complaint. Smith shall recover his costs in this proceeding. (Cal.Rules of Court, rule 8.490(m).)

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (continued)

B189679 People (Not for Publication)
v.
Sanders

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

[illegible]

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B195191 People (Not for Publication)
v.
Huff

The judgments are affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B188533 People (Not for Publication)

v.

Chiu

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B189275 Linstrom, et al. (Not for Publication)

v.

Hunt Enterprises, Inc., et al.

The judgment against Lindstrom is reversed. The judgment against Scott is affirmed. The defendants' appeal from the order denying their motion for attorney fees is dismissed as moot. Each party must bear its own costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B188952 People (Not for Publication)

v.

Sanders

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (continued)

B199605 Bell, et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(H.F. Cox, Inc., r.p.i.)

The petition for writ of mandate is granted. The trial court is directed to vacate its order denying class certification in part, and issue a new and different order granting class certification with respect to plaintiffs' claim for unpaid overtime and vacation pay, as well as the previously certified claim for pro rata vacation pay on termination. In all other respects, the matter is remanded for further proceedings consistent with this opinion. Plaintiffs shall recover their costs on this writ proceeding.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B188952 People v. Sanders (Not for Publication)

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

November 21, 2007 (Continued)

DIVISION THREE (continued)

B192212 Wardell, Jr. (Not for Publication)

V.

County of Los Angeles

The judgment is affirmed. The County shall recover its costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B190329 Stone, et al.

V.

Fidelity National Insurance Co.

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B195970 People (Not for Publication)

V.

Ticas

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FOUR (continued)

B197337 People (Not for Publication)

V.

Fambro

The judgment is modified to strike the terms for the findings of two prior prison terms (Pen Code, § 667.5, subd. (b)) and two prior narcotics convictions (Health & Safe. Code, § 11370.2, subd. (a)). The clerk of the superior court is ordered to file an amended abstract of judgment so reflecting. Otherwise, the judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.

Manella, J.

B194497 Salami (Not for Publication)

V.

Salami et al.

The judgment is affirmed.

Epstein, P.J.

We concur: Manella, J.

Suzukawa, J.

B195340 People (Certified for Partial Publication)

V.

Landaverde

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.

Willhite, J.

DIVISION FOUR (continued)

B179600 People (Certified for Publication)
v.
Rodriguez

Appellant's sentence is modified to stay execution of the enhancements applied pursuant to section 12022.5 to counts 6, 7 and 8. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. The judgment as modified is affirmed.

Manella, J.

I concur: Epstein, P.J.
I dissent: Willhite, J. (Opinion)

B192204 People (Not for Publication)
v.
Martinez

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B196484 People (Not for Publication)

V.

Jose Perez

The judgment is modified to reflect the imposition of: a \$100 Penal Code section 1464, subdivision (a) penalty assessment; a \$70 Government Code section 76000, subdivision (a) penalty assessment; a \$20 state surcharge pursuant to Penal Code section 1465.7, subdivision (a); a \$30 Government Code section 70372, subdivision (a) state court construction penalty; and a \$20 Penal Code section 1465.8, subdivision (a) (1) court security. The matter is remanded to allow the trial court to calculate the Vehicle Code section 23550, subdivision (a) fine and impose the additional penalty assessments, the state surcharge, and the state court construction penalty. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
Kriegler, J.

B198787 People (Not for Publication)

V.

Reginald Craig

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

DIVISION FIVE (continued)

B192724 Seon Hwang et al (Not for Publication)
 v.
 United Escrow Company

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
 Kriegler, J.

B192857 Elias Real Estate, LLC
 v.
 Po-Tsung Tseng, et al

Filed order denying petition for rehearing.

DIVISION SIX

B173631 People (Not for Publication)
 v.
 Fetissova,

The imposition of the upper term sentence on the soliciting for prostitution offense is reversed and the case remanded for resentencing. Upon remand, the trial court may exercise its discretion to impose the lower, middle or upper term for the offense. (*Sandoval, supra*, 41 Cal.4th at p. 832.) In all other respects the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION EIGHT

B196082 Jonesfilm, (Not for Publication)
v.
Hoffman

The judgment is affirmed. Respondent to recover its costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B185940 People (Not for Publication)
v.
Barba

For the reasons set forth above, the judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B192098 People (Not for Publication)
v.
Richard P.

The matter is remanded to the juvenile court with instructions to modify probation condition number 16 to read as follows: "Do not have any dangerous weapon or deadly weapon in your possession, nor knowingly remain in the presence of any unlawfully armed person," and to delete any reference to a maximum term of confinement. In all other respects, the disposition orders and judgments are affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

November 21, 2007 (Continued)

DIVISION EIGHT (continued)

B191503 Huang

v.

LTM Total Care, Inc.

Filed order denying petition for rehearing.